Sectt. II-27—50,006—2-

DEVELOPMENT (1943) Department.

MS SERIES.

G.O. No. 837

Dated 19-5-43.

[Despatch Abstract.]

Civil Supplies - Paddy and rice - Requisitioning of Stocks from merchants in South Kanara Dist. - Legal position - Explained to the Board of Rev. (C.S.) - Papers recorded

To

The Secretary,
To the Government of India,
NEW DELHI.

3227
3 - MAY 1943
PUBLIC DEPARTMENT

Sir,

Dev Dept. Endt. No. 9227-F/43-1 dated 7-5-43
Cy copy to C.C.S. for info
Dr 7543
To the C.C.S. enclosing memo
Dev
No 3/5/43

Sub:- Compulsory acquisitioning of rice and paddy from merchants in South Kanara District - Compensation thereon.

We, the undersigned are some of the merchants trading in rice and paddy in South Kanara District. The Collector of South Kanara was pleased to compulsorily acquisition under Rule 75(A) of the Defence of India Act, for public purposes, a large quantities of rice and paddy from us. The said rice and paddy was our stock in trade and as such an interest in our commercial undertakings. We have tried but we are unable to come to an agreement with the Collector as regards the rate at which we are to be compensated.

The action of the Collector is one falling within sub section (2) of Section 299 of the Government of India Act 1935. It also comes within Section 19(1) of the Defence of India Act. As the offer of the Collector as regards the rate of compensation, is extremely low and far below the market price. We are unable to accept the same. If we accept the said offer, it would ruin us financially as we had purchased the stock acquisitioned at the market prices then prevailing.

We pray that the Government may be pleased to appoint an Arbitrator as provided in Section 19(1) of the Defence of India Act. If the Government is pleased to appoint an Assessor under sub clause (c) of Section 19(1) of Defence of India Act, we may be also permitted to nominate an Assessor. Immediate action may be taken in the matter, as otherwise our entire business will be in a standstill condition.

We remain
Sir,
Yours obediently,

Copy to the Chief Secretary,
To the Government of Madras,
Copy to the Collector of
South Kanara, Mangalore.

S.No.	Licence No.	Name & Address.	Signatures.
1	X.423	Kolkebail Bhujanga Shetty, Rice Merchant, Gulvadi village, Post Kandlur, S.K. / Coondapur Taluk	K. Bhujanga Shetty

S.No.	Licence No.	Name & Address	Signatures
2	X.342	Kandavar Sheenappa Shervegar, Rice Merchant, Post Kandlur, Coondapur Taluk, S.Kanara.	K. Sheenappa Shervegar
3	X.180	Kandavar Manjaya Shetty & Bros., Rice Merchants, Coondapur, Post Coondapur, S.Kanara.	For Kandavar Manjaya Shetty and Brothers K. Lakkanna Shetty Partner.
4	X.241	Soukur Ramanna Shetty & Laxman Shetty, Rice Merchants, Kandlur, Post Kandlur, Coondapur Taluk, S.Kanara.	
5	X.104	Mailady Sheenappa Shetty & Bror Rice Merchants, Coondapur, Post Coondapur, S.Kanara.	
6	X.340	A.Nagappa Shetty & Bror, Rice Merchants, Perrebail, Post Shankernarayana, Coondapur Taluk, S.Kanara.	
7	X.403	S.Sheenappa Hegde & Bror, Rice Merchants, Kokkarne, Post Kokkarne, Udipi Taluk, S.K.	S. Sheenappa Hegde
8	X.262	Kolkebail Ramanna Shetty, Rice Merchant, Shiriyar Village, Post Larkoor, Udipi Taluk, S.K.	
9	X.160	B.Venkatramana Gowdaji & Bror., Rice Merchants, Polpor, Post Pota, Coondapur Taluk, S.K.	
10	X.578	K.Ramanna Shetty, Rice Merchant, Kandlur of Kavrady Village, Post Kandalur, Coondapur Taluk, S.K.	K. Ramanna Shetty
11	X.211	S.Monappa Shetty & Co, Rice Merchants, Thokkatte Village, Post Thokkatte, Coondapur Taluk, S.Kanara.	
12	X.345	K.L.Manjayn Shetty, Rice Merchant, Kandlur of Kavrady Village, Post Kandlur, Coondapur Taluk, S.K.	K. L. Manjayya Shetty
13	X416	K.Raghunatha Shetty, Rice Merchant, Kandavar of Kallur Village, Post Kandlur, Coondapur Taluk, S.Kanara.	K Raghunath Shetty
14	X.324	B.M.Shetty & M.K.Shetty, Rice Merchants, Basrcor, Post Basrur, Coondapur Taluk, S.Kanara.	
15	X.229	Athrady Anthayya Shetty, Rice Merchant, Vandse, Post Vandse, Coondapur Taluk, S.K.	
16	X. 95	Katil Manjunath Pai Bros, Merchants, Coondapur, Post Coondapur, S.Kanara.	Pai Katillaru
17	X.679	H.Hiriamna Hegde & Co., Rice Merchants, Halnad, Post Kandlur, Coondapur Taluk, S.K.	

Dev. Dept.

To U-S

A paper required for ~~putting up~~ noting on this file is put up in a J Section file with officer who may lie over till 10-5-43. Send copy to ccs. Grandt. at p. 1. Cm 7543

B.P. 6-5-43

The Collector requisitioned and acquired certain quantities of rice in March 1943 I do not think Section 299 (2) of the G. I. Act 1935 applies to this case If Section 299(2) does not apply, S 19(1) of the D. O. I. Act also does not apply Legal may advise if my views are correct.

Cm 7543 Legal (after issue of endt.)

Legal Department

Neither section 299 (2) of the Government of India Act, 1935, nor section 19 (1) of the Defence of India Act, 1939, has any application in the present case. Section 299 (2) provides that the Federal and Provincial Legislatures shall not have power to make a law authorizing the compulsory acquisition for public purposes of any land, or any commercial or industrial undertaking, or any interest in any commercial or industrial undertaking, or any interest in any company owning any such intertaking. The acquisition of paddy and rice under rule 75A of the Defence of India Rules does not amount to the acquisition of any land, undertaking or interest within the meaning of section 299 (2). Nor is there any question of making any law here. Consequently, section 299 (2) will not apply in this case. Section 19 (1) of the Defence of India Act only applies to cases where action is taken of the nature described in section 299 (2) of the Government of India Act, 1935. As section 299 (2) does not apply to the present case it follows that section 19 (1) of the Defence of India Act will not apply either.

The view of the Under Secretary, Development, is thus correct.

13 MAY 1943

K. M. 8/5/43

11 MAY 1943

10106

89 Legal 43007-1 10-5-43

Dev. Dept.

To U.S.

(Legal note on p.4 above)
A draft memo. to the Board of Rev. (C.S.) is submitted for approval.

Draft.
13-5-43

Cm
13543

SK
13543

After issue, A2 may see the petition at page 1 ante and legal's note at p.4. ante.

Cm
13543

C.14/5
R 1713

A2 (a.i.) NB 16/5/43

Issued as Memo. No. 9227-F/43-1 dt. 13.5.43

Cm
17543

2.6-(Mis.) No 837 Dev dt 19-5-43

Sub: Civil Supplies - Paddy and rice - Requisitioning of stocks from merchants in S. Kan. Dt. - Legal position Explained to Bd. of Rev Papers recorded.

To U.S.

The papers may be recorded for framing of future reference.

Draft.
17-5-43

Cm
18543

SK
18543

Dev. Dept.

Memo. No. 9227-F/43-2 Dt 13-5-43

Sub: Civil Supplies – Paddy and rice – Requisitioning of stocks from certain merchants in S. Kanara Dt. – Legal position

Ref Govt. Endt. No. 9227-F/43-1 Dt 7-5-43 to the C.C.S., Madras

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In continuation of the Endt cited above the Bd. of Revenue (C.S. to whom the Govt. have been advised) is informed that the contention of the merchants of S. Kanara that secn. 299(2) of the G. of I. Act, 1935 and secn. 19(1) of the D. of I. Act, 1939 applies to their case is incorrect. Secn. 299(2) provides that the Federal and Provincial Legislatures shall not have power to make a law authorising the compulsory acquisition for public purposes of any land or any commercial or industrial undertaking, or any share in any commercial or industrial undertaking, or any interest in any company owning any such undertaking. The acquisition of paddy and rice under rule 75A of the D. of I. Rules does not amount to

the requisition of any land, undertaking or interest within the meaning of of secn. 299(2) Nor is there any question of making any law here. Consequently, secn. 299(2) will not apply to the case. Secn. 19(1) of the D. of S. Act only applies to cases where action is taken of the nature described in secn. 299(2) of the Land Acquisition Act. As this secn. does not apply to present the case, it follows that secn. 19(1) of the D. of S. Act will not apply either.

~~The Board of Rev. (C.S.) is requested to bear the above legal position in mind when dealing with the cases under of the kind within under reference.~~

Passed
14/5/43

To the Bd. of Rev. (C.S.)
Chepauk, Madras

[Stock-file]

D.O.F.
13-5-43

13543

13543

To

MANGALORE, 22/4/1943. 10
5 - 5/

The Chief Secretary,
To The Government of India,
New Delhi.

Dev. Dept. D.O.U.S
A similar petition received on 3-5-43 was sent to Legal M.O. for advice on the legal position involved. This may lie over till 15.5.43.
H.P. 11-5-43
9/4 11543

DEPUTY SECRETARY
7 - MAY 1943
GOVT

9729
10-5-43

Sir,

Sub:- Compulsory acquiring of Rice & Paddy from the Merchants in South Kanara District - Compensation thereon.

C 11543

We, the undersigned are some of the Merchants trading in Rice and Paddy in South Kanara District. The Collector of South Kanara was pleased to compulsorily acquire under Rule 75(A) of the Defence Of India Rules for public purposes, large quantitie of rice and paddy from us since 22-3-1943. The said rice and paddy was our stock in trade and as such an interest in our commercial undertakings. We have tried but we are unable to come to an agreement with the Collector as regards the rate at which we are to be compensated.

The action of the Collector is one falling within Sub Section (2) of Section 299 of the Government of India Act 1935. It also comes within Section 19(1) of the Defence of India Act. As the offer of the Collector as regards the rate of compensation is extremely low and far below the market price, we are unable to accept the same. If we accept the said offer, it would ruin us financially as we had purchased the stock acquired, at the market prices then prevailing.

We pray that the Government may be pleased to appoint an Arbitrator as provided in Section 19(1) of the Defence Of India Act. If the Government is pleased to appoint an Assessor under Sub Clause (c) of Section 19(1) of the Defence Of India Act, we may be also permitted to nominate an Assessor. Immediate action may be taken in the matter, as otherwise our entire business will be in a standstill condition.

We remain,
Sir,
Yours obediently,

Address of the Signatories.

1. Harekal Vaman Vasudeva Pai &Sons,
Rice Merchants,
Bunder, Mangalore.

Signatures.

For Harekal Vaman Vasudeva Pai & Sons
J H Nayampa
Partner

(Continued)

Address of Signatories.	Signatures.
2. P.Vittal Narasimha Pai & Sons, Rice Merchants, Bunder, Mangalore.	
3. Sringeri Narayana Das Pai & Co., Rice Merchants, Bunder, Mangalore.	For Sringeri Narayana Dasa Pai & Co. Partner.
4. K.Appaya Shanbhogue & Co., Rice Merchants, Bunder, Mangalore.	For K. Appaya Shanbhogue & Co. Partner.
5. Vittal Shantharam, Rice Merchant, Bunder, Mangalore.	Vithal Shantaram
6. Sujir Nagappa Nayak, Rice Merchant, Bunder, Mangalore.	Nagappanayak
7. Maroor Ganapath Anantha Pai & Co., Rice Merchants, Bunder, Mangalore.	M. Venkatramana Pai
8. M.Subraya Manjunath Pai, Rice Merchant, Bunder, Mangalore.	M Subraya
9. S.Ganesh Ranga Kamath & Co., Rice Merchants, Bunder, Mangalore.	For S. Ganesh Ranga Kamath & Co. Partner.
10. Ullal Hari Vaman Nayak, Rice Merchant, Bunder, Mangalore.	
11. P.Narasimha Shanbhogue, Rice Merchant, Baipe, South Kanara.	P Narasimha Shenai
12. M.Subraya Shanbhogue & Sons, Rice Merchants, Market Road, Mangalore.	For Mangalpady Subraya Shanbhogue & Sons Pandurang Shenai
13. Haji Habib Haji Peer Mohamed, Rice Merchants, Bunder, Mangalore.	For Haji Habib Haji
14. D.Annappa Pai, Vaikunta Pai & Bros., Rice Merchants, Bunder, Mangalore.	D Narasimha Pai
15. Adam Haji Peer Mohamed Essack, Rice Merchants, Bunder, Mangalore.	Per Pro. Adam Haji Pirmahmed Essack

All correspondence in this matter may be addressed to:-
K. Keshava Shenai, C/o. K.Appaya Shanbhogue & Co.,
Rice Merchants, Bunder, Mangalore.

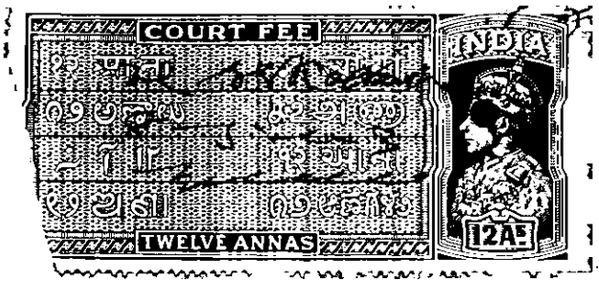
Copy to The Chief Secretary to the Govt of Madras, Madras.

Copy to The Collector of South Kanara, Mangalore

To

The Secretary,
To The Government of India,
New Delhi.

12 MAY 1943
PUBLIC DEPARTMENT



Sir,

Sub:- Compulsory acquisitioning of rice and paddy from B. Shankaya Shetty & Co., Merchants, Koteshwar, Coondapur Taluq, South Kanara District, Coondapur Post- Compensation thereon. 12

10146

UNDER SECRETARY
13 MAY 1943
GOVERNMENT DEPARTMENT

We, the undersigned are some of the merchants trading in rice and paddy in South Kanara District. The Collector of South Kanara was pleased to compulsorily acquisition under Rule 75(A) of the Defence of India Act, for public purposes a large quantities of rice and paddy from us. The said rice and paddy was our stock in trade and as such an interest in our commercial undertaking. We have tried but we are unable to come to an agreement with the Collector as regards the rate at which we are to be conpensated.

Chief Secy
Rev. V.O
No 1245

The action of the Collector is one falling within sub section (2) of Section 299 of the Government of India Act, 1935. It also comes within Section 19(1) of the Defence of India Act. As the offer of the Collector as regards the rate of compensation, is extremely low and far below the market price. We are unable to accept the same. If we accept the said offer, it would ruin us financially, as we had purchased the stock acquisitioned at the market price then prevailing.

We pray that the Government may be pleased to appoint an Arbitrator as provided in Section 19(1) of the Defence of India Act. If the Government is pleased to appoint an assessor under sub clause (c) of Section 19(1) of Defence of India Act, we may be also permitted to nominate an Assessor. Immediate action may be taken in the matter, as otherwise our entire business will be in a standstil condition.

We remain,
Sir,
Yours obediently,
For B. Shankaya Shetty & Co.

B. Venkappa Shetty
for me

Copy to the Chief Secretary,
To the Government of Madras,
Copy to the Collector of
South Kanara, Mangalore.

N.B. All correspondence in this matter may be addressed to our advocate, Sri S.S.Kolkebail, Coondapur. S.K.

Dev. Dept.

To U.S.

The petition in ¶ 3 above is similar to the one in ¶ 1 above and the one that was received from Legal with legal opinion

The main file is being annexed to A-2. This may be added to it on receipt from circulation

C
14843

* C.R.C. 92.

H.P.
14-5-43

SPV
14543

Hangarkatta,
19th May, '43.

To

The Secretary to the Government of India,
NEW DELHI.

25 MAY 1943
DEVELOPMENT DEPARTMENT

23 MAY 1943
PUBLIC DEPARTMENT

Sir,

Subject: Compulsory acquisitioning of rice and paddy from H. Manjunath Padmanabha Shenoy & Co., Merchants, Hangarkatta, Udipi Taluk, South Kanara - Compensation thereon.

We, the undersigned are one of the merchants tradin, in rice and paddy in South Kanara District. The Collector of South Kanara was pleased to compulsorily acquisition under Rule 75 (a) of the Defence of India Act, for public purposes a large quantities of rice and paddy from us. The said rice and paddy was our stock-in-trade and as such an interest in our commercial undertaking. We have tried but we are unable to come to an agreement with the Collector as regards the rate at which we are to be compensated.

The action of the Collector is one falling within sub section (2) of Section 299 of the Government of India Act, 1935. It also comes within Section 19 (1) of the Defence of India Act. As the offer of the Collector as regards the rate of compensation, is extremely low and far below the market price, we are unable to accept the same. If we accept the said offer, it would ruin us financially as we had purchased the stock acquisitioned at the market price then prevailing.

We pray that the Government may be pleased to appoint an Arbitrator as provided in Section 19 (1) of the Defence of India Act. If the Government is pleased to appoint an assessor under sub clause (c) of Section 19 (1) of Defence of India Act, we may be also permitted to nominate an Assessor. Immediate action may be taken in the matter, as otherwise our entire business will be in a standstil condition.

We remain,
Sir,
Yours obediently,
for H. MANJUNATH PADMANABHA SHENOY & CO.,

H. Sadashiva Shenoi

PARTNER.

Copy to the Chief Secretary to the Government of Madras.
Copy to the Collector of South Kanara, Mangalore.

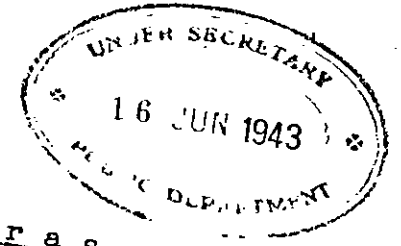
Dev. Dept.

Copies of similar petitions from certain oil in S. Kanara were received recently and the legal implications in them examined & pl. see ¶ in G.O. No. 837 Dev dy 19-5-43. This petition may be filed with that G.O.

26/5/43

26/5/43

...ORE, the 14th June 194[illegible]



...f Madras,

Madras.

...pulsory acquisitioning of rice & paddy from
...erchants in South Kanara District- compensation
thereon.

June,'43.

In the matter referred to above, I am informed by the Under Secretary to the Government of India, that the subject is one to be represented to the Provincial Government and therefore I have to humbly submit that the representation in the above communication namely, the appointment of a Tribunal be early considered and an early decision be communicated.

...dy

...r dated the
... the matter
... of Madras.

A true copy of the communication received from the Government of India is enclosed herein.

...our to be,

I have the honour to be,
Sir,
Yours obediently,

...lient servant

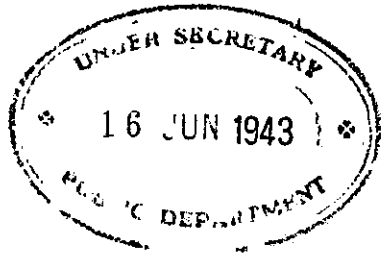
...India.

Encl: 1.

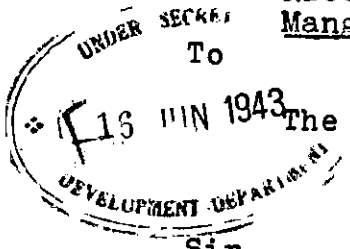
From very urgent.

MANGALORE, the 14th June 1943

K. Keshava Shenai,
C/o. K.Appaya Shanbhogue & Co.,
Rice Merchants, Bunder,
Mangalore.



To



The Chief Secretary,
To The Government of Madras,
Madras.

Sir,

Sub:- Compulsory acquisitioning of rice & paddy from merchants in South Kanara District- compensation thereon.

In the matter referred to above, I am informed by the Under Secretary to the Government of India, that the subject is one to be represented to the Provincial Government and therefore I have to humbly submit that the representation in the above communication namely, the appointment of a Tribunal be early considered and an early decision be communicated.

A true copy of the communication received from the Government of India is enclosed herein.

I have the honour to be,
Sir,
Yours obediently,

K. Keshava Shenai

Encl: 1.

2 The letter from Sri Keshava Shenai of Mangalore at ƒ 1 above may be read

In May last ~~the~~ Sri Shenai and several other paddy and rice merchants of ~~Mangalore~~ South Kanara petitioned to the Govt. of India complaining that the price offered by the Collector for stocks commandeered by him was low and requesting the appointment of an arbitrator under section 19(1) of the D. of S. Act. Copies of the connected petitions were sent to this Dept. Legal Dept.'s view in the matter, on ƒ 4 of (d), may be perused. That Dept. have pointed out that secn 19(1) of the D. of S. Act will not apply to the case.

A draft reply to Mr. Shenai is submd. for approval, on ƒ 4 below.

After issue, the papers may be filed with (d)

19643 Secy

I. I. B. 15 b

ch. 'A' in ƒ 11 of (d)

G.O No 837 Dev 10-5-43

ƒ 1-3 ante 10-4-43

Cp ƒ 2 & 3

18.6.43

19643 Secy

Enclosure/True copy/

No.CGII(5)/43.
GOVERNMENT OF INDIA,
DEPARTMENT OF FOOD.

18

New Delhi, the 7th June, '43.

From

N.N.Wanchoo, Esq., I.C.S.,
Under Secretary to the Govt.of India.

To

Mr.K.Keshava Shenai,
C/o.K.Appaya Shanbhogue & Co.,
Rice Merchants, Bunder,
Mangalore.

Subject:- Compulsory acquisitioning of rice and paddy from merchants in South Kanara District- compensation thereon.

Sir,

I am directed to acknowledge the receipt of your letter dated the 24th May,'43 on the subject mentioned above and to say that the matter is one which should be represented by you to the Government of Madras.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- x x x
Under Secretary to the Govt. of India.

BDN.

Mangalore,)
14/6/1943.)

/True copy/
K.Keshava Shenai.

A 19.

Dev. Dept.

Letter No. 14222 - F/43-1 dt 25-6-43.

To Sri K. Keshava Shenai,
c/o K. Appaya Shanbhogue & Co.
Rice Merchants, Bunder, Mangalore.

Sir,

Civil supplies – Rice & Paddy – Compulsory acquisitioning – Compensation

Your letter dt 14-6-43 to the Chief Secy Govt. of Madras [illegible] above

I am directed to state that the Govt. ~~are unable to request that they must decline to~~ cannot comply with your request

yours etc.

for Chief Secy.

66P. 18.6.43

19643

19643

19643